

1 APPEARANCES: (Cont'd.)

2

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8 appeared for Respondent;

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7 MR. JOHN C. FEELEY
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11 appeared for Commission Staff.

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18 SULLIVAN REPORTING COMPANY, by
19 Teresann B. Giorgi, CSR
20 084-000977

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1 JUDGE RILEY: Pursuant to the direction of
2 the Illinois Commerce Commission, I call
3 Docket 14-0087. This is a complaint by Michael
4 Kreith versus Peoples Gas Light and Coke Company.

5 And, Mr. Kreith, you are proceeding
6 today without counsel, is that correct?

7 MR. KREITH: Yes.

8 JUDGE RILEY: Mr. Padron, you are here on behalf
9 of Peoples Gas?

10 MR. PADRON: Correct.

11 JUDGE RILEY: And would you enter an appearance
12 for the record, please.

13 MR. PADRON: Paul Padron, P-a-d-r-o-n, for
14 Peoples Gas. My address is 2000 South Batavia
15 Avenue, 2nd Floor, Geneva, Illinois 60134. My phone
16 number is 630-262-7490.

17 JUDGE RILEY: Thank you.

18 And, Mr. Feeley?

19 MR. FEELEY: Sure.

20 John Feeley, Office of General
21 Counsel, representing Staff of the Illinois Commerce
22 Commission. Address is 160 North LaSalle Street,

1 Suite C-800, Chicago, Illinois 60601.

2 JUDGE RILEY: Thank you.

3 And, Mr. Kreith, I'm going to put the
4 ball in your court and let you lead off.

5 (Witness sworn.)

6 JUDGE RILEY: Please continue.

7 MR. KREITH: I have my documents. Would I
8 present them now?

9 JUDGE RILEY: Yes.

10 MR. KREITH: (Tendering.)

11 JUDGE RILEY: Thank you.

12 MR. KREITH: Well, basically, according to
13 Exhibit No. 1, Peoples Gas is billing me for
14 approximately 1700 therms of unmetered gas and I
15 would just like to know how you determined that.

16 JUDGE RILEY: Well, that's going to entail
17 calling a -- calling someone as an adverse witness.

18 Mr. Padron, is that going to be part
19 of your case in chief?

20 MR. PADRON: Yes, it will be.

21 JUDGE RILEY: Did you have anything further?

22 MR. KREITH: Well, yeah, because they're trying

1 to use an actual meter reading compared to the ERT
2 and those numbers aren't matching up, they're not
3 synchronized. And I want to know how they
4 determined I used 1700 of unmetered gas.

5 JUDGE RILEY: Okay. Did you have any questions
6 with regard to the meter testing that was done?

7 MR. KREITH: Absolutely not. It seems like it's
8 working fine. There was no problems with that.

9 JUDGE RILEY: And is this pretty much the sum
10 and substance of your case?

11 MR. KREITH: Yes.

12 JUDGE RILEY: Just simply the --

13 MR. KREITH: Yeah, because they are not
14 synchronized.

15 If you look at Exhibit No. 2, on
16 6-14-2012 the meter was reading -- actual meter
17 reading was 9843 and back on 11-8 of 2012, it's
18 reading 8744. It's already off a thousand therms.

19 So if you're going to compare apples
20 to apples and you're going to try to charge me the
21 ERT to the actual meter readings, they need to be
22 synchronized. So I don't understand how it could

1 already be off a thousand and then they're going to
2 try to bill me 1,014 compared to my ERT reading.

3 JUDGE RILEY: Well, I'm not clear as to what
4 the -- how it's off.

5 MR. KREITH: Well, if you see --

6 MR. PADRON: We'll stipulate to the fact that
7 it's off, Judge.

8 MR. KREITH: So from your records you were
9 trying to charge me, I think, from 9315, the ERT
10 reading, on Exhibit No. 3, 10-9-23 (sic), the meter
11 was reading 9274.

12 JUDGE RILEY: Where are you looking now?

13 MR. KREITH: Right on the top of Exhibit
14 No. 3A.

15 So you've got 10-9-2013, it was
16 reading 9274. And then the next reading when you
17 pulled the meter, it's reading 1,014. So that's
18 what you're trying to charge me, that difference.
19 And you're comparing an ERT reading to an actual
20 reading.

21 JUDGE RILEY: Wasn't it my understanding then
22 that the meter was not working at all or that the

1 meter wasn't there or --

2 MR. KREITH: I don't know. That's what I don't
3 understand. How can they compare the ERT to the
4 actual reading. They should be synchronized. They
5 need to be.

6 MR. PADRON: Judge, maybe if I proceed with my
7 case in chief I can explain the difference with the
8 ERT reading and the actual index reading on the
9 meter.

10 JUDGE RILEY: I just want to make sure that
11 Mr. Kreith understands.

12 Does that complete your case -- is
13 this the issue?

14 MR. KREITH: Yeah, this is the issue.

15 JUDGE RILEY: And this is what you need an
16 explanation of.

17 MR. KREITH: Yes.

18 MR. PADRON: And I'm happy to give that
19 explanation.

20 JUDGE RILEY: All right. Without foreclosing
21 your case in chief, then I'll turn it over to
22 Mr. Padron.

1 A Utility Specialist No. 1.

2 Q And, I'm sorry, how many years did you say

3 you were with Peoples?

4 A 24.

5 Q 24.

6 And what do you do as a Utility

7 Specialist No. 1?

8 A Well, we change meters, we turn gas on, we

9 set new services for new customers and we check the

10 pressures and everything else.

11 Q So is it fair to say you're dealing with

12 meters then?

13 A All the time.

14 Q And has that been the primary thing that

15 you've done in the 24 years that you've been with

16 Peoples?

17 A Yes.

18 Q Okay. So is it fair to say that you're

19 familiar with the procedures and the practice that

20 Peoples follows when removing meters?

21 A Yes.

22 Q Okay. Are you familiar with the meter

1 removal that occurred on November 13th of 2013, at
2 10550 South Homan in Chicago?

3 A Yes, I am.

4 MR. PADRON: Okay. I'm going to pass out what's
5 been marked as Exhibit A (tendering).

6 Q If you could take a quick look at that.

7 Do you know what that exhibit is?

8 A Yes, sir. That's our -- the sheet that we
9 have -- well, similar to the sheet to our Work
10 Orders.

11 Q Okay. So it's a Work Order.

12 Did you complete that Work Order?

13 A Yes, I did.

14 Q Okay. And was it completed as a result of
15 removing the meter at 10550 South Homan on
16 November 13th of 2013?

17 A Yes, sir.

18 Q Okay. Was the service order created at the
19 time of the actual removal?

20 A Yes.

21 Q Okay. And is it the regular practice of
22 Peoples to complete these service orders at the time

1 of removal?

2 A Yes, it is.

3 Q And is the Service Order kept in the
4 regular course of business at Peoples Gas?

5 A I'm sure it is.

6 Q Okay. This is regularly what you complete
7 when you --

8 A Right. Yeah. Type in the reading, the
9 reading we have and we leave it securely through and
10 through.

11 MR. PADRON: Judge, I would like to offer into
12 evidence at this point Exhibit A.

13 JUDGE RILEY: Okay. I understand. We'll take
14 care of that when we've completed cross-examination
15 and everything and the rest of the case.

16 MR. PADRON: Okay.

17 JUDGE RILEY: Go ahead.

18 MR. PADRON: Q When you removed the meter on
19 November 13th of 2013, did you get an actual read on
20 the meter?

21 A Yes, I did.

22 Q Okay. What was the actual read?

1 A Well, was it 1014?

2 Q Yeah. It's on the exhibit, right? It's on

3 the service order?

4 A Yes, current read, 1014.

5 Q It's about in the middle to the right,

6 "current read."

7 Do you know what meter this was?

8 A If I remember correctly, it was a T1, if

9 I'm not mistaken, just a regular house --

10 Q Is that a diaphragm meter?

11 A Diaphragm meter. And single-family houses

12 have those.

13 Q Okay. So is that the common term,

14 "diaphragm meter," used by Peoples Gas for that type

15 of meter?

16 A Yes.

17 MR. PADRON: Okay. Nothing further.

18 JUDGE RILEY: Mr. Kreith, do you have any

19 questions for the witness?

20 MR. KREITH: I have nothing further.

21 JUDGE RILEY: No cross?

22 MR. KREITH: No.

1 JUDGE RILEY: Thank you.

2 MR. PADRON: Thank you, Mr. Pryde, you're all
3 set. You can go.

4 (Witness excused.)

5 MR. PADRON: The next witness is going to be
6 Anthony Blasgen.

7 (Witness sworn.)

8 JUDGE RILEY: Please proceed.

9 ANTHONY BLASGEN,
10 called as a witness herein, and after having been
11 first duly sworn, was examined and testified as
12 follows:

13 DIRECT EXAMINATION

14 BY

15 MR. PADRON:

16 Q Could you please state your name and spell
17 your name for the record.

18 A Anthony Blasgen, B-l-a-s-g-e-n.

19 Q And who are you employed with?

20 A Peoples Energy.

21 Q And how long have you been with Peoples?

22 A 27 years.

1 Q And what is your current position with
2 Peoples Gas?

3 A Field investigator.

4 Q Do you have an employee number?

5 A Yes, I do.

6 Q Do you know it?

7 A 14308.

8 Q Okay. And as a field investigator,
9 briefly, what are some of your duties?

10 A My duties are, I investigate gas thefts,
11 tampered meters, high occupant use and all different
12 kinds of investigations that lead to any kind of
13 meter trouble, meter problems, low usage.

14 Q Okay. So is it fair to say then you're out
15 in the field?

16 A Correct.

17 Q And has that always more or less been the
18 case in your 27 years at Peoples?

19 A Yes.

20 Q Okay. So is it fair to say then as an
21 investigator -- field investigator in your
22 experience, that you're familiar with the procedures

1 and the practice that Peoples follow when removing
2 meters?

3 A Correct.

4 Q Okay. Are you familiar with the meter
5 removal that occurred on November 13th, 2013, at
6 10550 South Homan in Chicago?

7 A Yes.

8 Q All right. I'm handing you what's going to
9 be marked as Exhibit B. It's a group exhibit. It's
10 got five photographs (tendering).

11 If you could take a quick look at
12 these five photographs.

13 A (Indicating.)

14 Q Are you familiar with these photographs?

15 A Yes.

16 Q And did you take these photographs?

17 A Yes.

18 Q Okay. Could you, one by one, tell us what
19 each photograph depicts.

20 A Okay. The one that's marked Exhibit B --

21 Q Page 1.

22 A -- Page 1.

1 Q It's in the bottom right-hand corner.

2 A Oh, okay. I got you. I didn't see the

3 little number.

4 This picture -- this first picture I

5 took upon arrival on the premise. This is how I

6 found the meter in this condition.

7 Q Let me stop you right there.

8 When you approached the meter and this

9 picture of the grill on its side and the trash

10 container, did you move anything?

11 A Not at this point.

12 Q Okay. So that's exactly how you found it

13 when you arrived --

14 A Right, as I'm walking up.

15 Q Okay. And this was at 10550 South Homan on

16 November 13th, 2013.

17 A That's correct.

18 Q Okay. Proceed.

19 A Picture 2 is a picture that I took of our

20 meter. This is exactly how I found it. And this is

21 an overall picture of how we found our meter.

22 Q Okay. And the black box that's to the left

1 of the meter, what is that?

2 A It's a large magnet.

3 Q Okay. When you approached the meter and

4 saw the magnet, is that how you found the meter --

5 I'm sorry -- is that how you found the magnet?

6 A Correct.

7 Q Okay. So when you took that picture, you

8 hadn't moved the magnet.

9 A No.

10 Q Okay. Move on to the next one.

11 A Okay. This is just another picture of our

12 overall of our meter and how I found the meter and

13 the black box next to it.

14 Q And that black box is the magnet.

15 A Correct.

16 Q Okay. How about the fourth page?

17 A Okay. This is just an overall picture of

18 the top of our ERT head, of our meter.

19 Q Okay. That's the meter at 10550 South

20 Homan Avenue?

21 A Right.

22 And Picture 5 is a top picture of our

1 ERT head and a picture of the magnet that was on the
2 ground showing the rust marks that was from the
3 bottom of the magnet onto the top of the ERT head.

4 Q Okay. Now, with each one of these five
5 photographs, is it the regular practice of Peoples
6 to take photographs when there's a situation like
7 this arises?

8 A Correct.

9 Q Do all these photographs fairly and
10 accurately show the scene as it appeared at
11 10550 South Homan in Chicago on November 13th, 2013?

12 A That's correct.

13 MR. PADRON: Okay. I'd like to offer them into
14 evidence.

15 JUDGE RILEY: Again, I'll hold them in abeyance
16 until you complete your case.

17 MR. PADRON: That's fine.

18 Nothing further of this witness.

19 JUDGE RILEY: Any questions, Mr. Kreith?

20 MR. KREITH: Yes, I do.

21

22

1 CROSS-EXAMINATION

2 BY

3 MR. KREITH:

4 Q According to Photo No. 1, you really can't
5 see the magnet along the meter here.

6 Is there a reason that you took that
7 type of angle?

8 A Yeah, that was my angle walking up. And
9 that was just an overall to show that there was
10 objects in front of our meter, blocking our meter
11 from the view from the street.

12 Q And you couldn't get a straight-on shot to
13 where you could see the magnet actually on the side
14 of the meter over there?

15 A At this point where I was standing, I
16 didn't take a picture -- that's my overall picture
17 that I took walking up to depict that there were
18 things blocking our meter from the view.

19 Q And you stated that that's where the -- in
20 Picture No. 2, that's where the magnet was and you
21 never moved that? Are you positive of that?

22 A When I took this picture, this is exactly

1 where I found the magnet, in this position.

2 Q Were there any other employees that may
3 have moved that magnet?

4 A No.

5 MR. KREITH: I have nothing further, your Honor.
6 That's not where the magnet was.

7 JUDGE RILEY: All right. It's something for --
8 you can argue.

9 Anything further for the witness?

10 MR. PADRON: No.

11 JUDGE RILEY: All right. Mr. Blasgen, thank
12 you.

13 (Witness excused.)

14 JUDGE RILEY: I guess my next question, does
15 either party have any issue with regard to the test
16 that Staff conducted?

17 MR. KREITH: I do not.

18 JUDGE RILEY: Mr. Kreith, you said you do not.

19 MR. KREITH: I do not.

20 MR. PADRON: No -- I mean, the only thing -- the
21 report speaks for itself.

22 The only thing I was going to confirm

1 from Mr. Lounsberry, was that the -- from the test
2 that was conducted, the ERT was working and
3 functioning properly and that the meter itself was
4 working and functioning properly.

5 JUDGE RILEY: Let's call Mr. Lounsberry.

6 MR. FEELEY: Eric, we're going to call you now.

7 (Witness sworn.)

8 JUDGE RILEY: Please proceed.

9 ERIC LOUNSBERRY,
10 called as a witness herein, and after having been
11 first duly sworn, was examined and testified as
12 follows:

13 DIRECT EXAMINATION

14 BY

15 MR. FEELEY:

16 Q Could you please state your full name for
17 the record and spell your last name.

18 A Eric Lounsberry, that's L-o-u-n-s, as in
19 Sam, -b-e-r-r-y.

20 Q Okay. Who is your employer and what is
21 your business address?

22 A I'm employed by the Illinois Commerce

1 Commission. My business address is 527 East Capitol
2 Avenue, Springfield, Illinois 62701.

3 Q And what is your position at the Illinois
4 Commerce Commission?

5 A I am a supervisor of the Gas Engineering
6 Section.

7 MR. FEELEY: Can I approach the Bench? I have
8 some documents.

9 JUDGE RILEY: All right.

10 MR. FEELEY: (Tendering.)

11 JUDGE RILEY: Thank you.

12 MR. FEELEY: Q Do you have in front of you a
13 three-page letter addressed to Mr. Michael Kreith,
14 dated September 16, 2014, signed by you, which has
15 been marked for identification as ICC Staff
16 Exhibit 1.0?

17 A Yes, I do.

18 Q Did you prepare ICC Staff Exhibit 1.0?

19 A Yes.

20 Q Do you have any corrections to make to ICC
21 Staff Exhibit 1.0?

22 A No.

1 Q Is the information contained in ICC
2 Staff Exhibit 1.0 true and correct to the best of
3 your knowledge?

4 A Yes.

5 MR. FEELEY: Your Honor, subject to
6 cross-examination, I move for admission into
7 evidence ICC Staff Exhibit 1.0.

8 JUDGE RILEY: Thank you.

9 I'll hold the ruling in abeyance until
10 we complete the testimony.

11 MR. FEELEY: Also, your Honor, even though I
12 gave you hard copies, I'd ask for leave just to file
13 this on e-Docket electronically.

14 JUDGE RILEY: Mr. Kreith, do you have any
15 objection?

16 MR. KREITH: No problem.

17 MR. FEELEY: Mr. Lounsberry is available for
18 cross-examination.

19 JUDGE RILEY: Okay. I'm going to start with
20 Mr. Kreith because he's the Complainant.

21 Do you have any questions?

22 MR. KREITH: I have no questions for

1 Mr. Lounsberry.

2 JUDGE RILEY: All right. Mr. Padron?

3 MR. PADRON: Just quickly.

4 CROSS-EXAMINATION

5 BY

6 MR. PADRON:

7 Q I just want to confirm that when you

8 witnessed or refereed the test, it appears on

9 Page 2 of your report that you witnessed them -- the

10 second paragraph -- actually performing a test on

11 the ERT device on the meter to see if it was

12 functioning properly, is that correct?

13 A I had your computer shop personnel get an

14 ERT reading and then I had them run approximately

15 200 cubic feet of air through the ERT --

16 Q Okay.

17 A -- and had them get another reading to

18 verify that the ERT was showing the same volume of

19 usage as the mechanical index and they both showed

20 the same.

21 Q They showed the same.

22 A Yes.

1 THOMAS STONIS,
2 called as a witness herein, was examined and
3 testified as follows:

4 DIRECT EXAMINATION

5 BY

6 MR. PADRON:

7 Q Could you please state and spell your name
8 for the record.

9 A Thomas Stonis, S-t-o-n-i-s.

10 Q And, Mr. Stonis, who are you currently
11 employed with?

12 A Peoples Gas.

13 Q And how long have you been with Peoples
14 Gas?

15 A Over 33 years.

16 Q And what is your current position with
17 Peoples?

18 A I'm a supervisor in the Measurement
19 Department, which is the meter testing and repair.

20 Q And how long have you been working in that
21 capacity?

22 A I've been a supervisor for 2 years, in the

1 Measurement Department for 12 and working in the
2 Meter Testing Repair Department for 28.

3 Q Okay. So with 28 years of experience in
4 the Meter Testing Department, is it fair to say that
5 you're familiar with the mechanisms and the systems
6 that Peoples Gas uses to register or record gas
7 usage for their individual customers?

8 A Yes.

9 Q Okay. Are you also familiar with the
10 effect that magnets have on a meter's ability to
11 register the amount of gas being used by a customer?

12 A Yes.

13 Q Okay. I'm going to hand you what's been
14 marked as Exhibit C. It's a two-page diagram
15 (tendering). If you could take a quick look at
16 that.

17 Are you familiar with those two
18 diagrams?

19 A Yes, I am.

20 Q And could you briefly explain to us what is
21 on Page 1 of Exhibit C, what does it portray?

22 A Page 1 portrays the actual circuit board

1 that's inside the ERT.

2 Q And could you tell us what an ERT device
3 does?

4 That might be a tricky question.

5 But, in general, what's its function?

6 A What's its function? Is to basically count
7 the gas going to the meter by a switch that opens
8 and closes.

9 Q Okay. So it keeps track of how much gas is
10 being used on a meter, is that correct?

11 A That's correct.

12 Q Does the ERT device also send out a signal?

13 A It transmits a signal that is read by
14 Company's vehicles when it's time to read it.

15 Q Okay. So the ERT device will keep track of
16 how much gas is going -- being consumed at the
17 meter.

18 A That's correct.

19 Q And then it will also emit a signal that
20 will be picked up by a Peoples Gas van and that
21 signal will essentially, for lack of a better term,
22 inform Peoples how much gas is being used at that

1 meter, is that correct?

2 A That's correct.

3 Q Okay. So if you could turn to the second
4 page of the exhibit, can you explain to us what that
5 diagram is.

6 A It's basically just a much closer overview
7 of what a reed switch is, what it looks like and how
8 it operates with a magnet.

9 Q And can you tell us what -- there's a
10 magnet in that photograph. What does that -- or how
11 does the magnet -- an outside magnet affect an ERT
12 device?

13 A Well, when working properly the magnet
14 causes the switch to go from the open position to
15 the closed position. An outside magnet would lock
16 it in that closed position and not allow it to
17 release.

18 Q All right. So let's go back to what you
19 said.

20 When it's working properly the
21 magnet -- a magnet will open and close the reed
22 switch, is that correct?

1 A The magnet will cause it to close. As the
2 magnet leaves the switch area, the switch will go
3 back to its open position.

4 Q All right. So let's focus on the first
5 page of Exhibit C.

6 I take it the black rod that's on the
7 bottom, it says, The magnet that activates the
8 switch has dials turned.

9 Is that -- and there's an arrow
10 pointing to this -- to the rod in the middle of that
11 black rod. Is that the magnet that works properly
12 to open and close the reed switch?

13 A Yes, sir.

14 Q All right. And what happens when the reed
15 switch is opened and closed?

16 A The board picks that up as a count.

17 Q And what's the "count?"

18 A Whatever is programmed -- it's a
19 measurement of gas that goes through there, the
20 units programmed.

21 Q So the units programmed -- so each time it
22 opens and closes it counts how much gas is going

1 through.

2 A That is correct.

3 Q Okay. So if you bring a large outside
4 magnet into the proximity of the ERT, you said that
5 it keeps the reed switch closed, is that correct?

6 A Depending upon the placement of the magnet,
7 it can either keep it closed or opened, but it will
8 not allow this little magnet to change the state.
9 It will lock it in whatever position the magnet
10 forces it.

11 Q So a large magnet will force the reed
12 switch to stay closed.

13 A Correct.

14 Q And if it stays closed, can the ERT device
15 keep count of how much gas is actually being used on
16 that meter?

17 A No, the ERT cannot.

18 Q Is there another device on the meter that
19 also keeps track of the amount of gas that's used at
20 that address?

21 A Yes. It's a mechanical index.

22 Q Okay. The mechanical index -- where is the

1 mechanical index? Is it on the meter itself?

2 A It's on the meter itself.

3 Q Okay. And when a large magnet is brought
4 in the proximity of the mechanical index, does the
5 magnet affect that index's ability to register how
6 much gas is being used?

7 A No, it does not.

8 Q Okay. So then is it fair to say that if a
9 large outside magnet is keeping the reed switch
10 closed on the ERT device, that it won't read how
11 much gas is actually being used, but the index will
12 keep track of how much gas is actually being used?

13 A That's correct.

14 Q Real quick, just to be by the book, these
15 diagrams, are they reasonably accurate as to what
16 they portray?

17 A Yes, they are.

18 MR. PADRON: Okay. I would offer them into
19 evidence.

20 JUDGE RILEY: Again, I'll hold the ruling in
21 abeyance.

22 Mr. Kreith, any questions for the

1 witness?

2 MR. KREITH: Yes, I do.

3 CROSS-EXAMINATION

4 BY

5 MR. KREITH:

6 Q You stated that the proximity of the magnet
7 is very important.

8 Where would a magnet have to be to
9 affect the magnet in Exhibit C?

10 A Depends on the size of the magnet. If it's
11 a very powerful magnet causing such a strong
12 electromagnetic force, it could affect the switch
13 right next to the meter.

14 Q So laying on the ground it could affect the
15 mag- --

16 A If the magnet is large enough, yes.

17 Q According to Exhibit B, Picture No. 2, the
18 magnet laying against my house there, would that
19 affect the meter?

20 A I wouldn't know.

21 Q And then you stated also that the magnet
22 could force the ERT to be open all the time.

1 How would you know if it's open or
2 closed?

3 A You wouldn't.

4 MR. KREITH: I have no further questions, your
5 Honor.

6 EXAMINATION

7 BY

8 JUDGE RILEY:

9 Q I'm a little bit confused on what the
10 effect the magnet is on the meter.

11 Can it compel it to stay open and/or
12 closed depending on its position?

13 A The magnet could draw the two filaments, as
14 you can see in Exhibit C, Page 2, it can draw it
15 together from that position. I don't have any
16 evidence, but if the magnet was placed on the
17 opposite side of that switch, it wouldn't allow the
18 magnet in the ERT itself to close. It would be
19 pulling it in a open position.

20 So more than likely, depending upon
21 where the magnet was placed, it's going to affect
22 the reed switch where it's not going to be able to

1 change its state. The "state" meaning whether it's
2 normally open or normally closed. The magnet is
3 going to prevent it from changing that state.

4 Q I see.

5 So it just pretty much freezes the
6 reed switch in whatever position it's in.

7 A Exactly.

8 JUDGE RILEY: Nothing further.

9 Do you --

10 MR. KREITH: I have nothing further.

11 JUDGE RILEY: All right. Thank you.

12 (Witness excused.)

13 MR. PADRON: All right. The last one is

14 Kim Ternipsede.

15 KIM TERNIPSEDE,

16 called as a witness herein, was examined and

17 testified as follows:

18 DIRECT EXAMINATION

19 BY

20 MR. PADRON:

21 Q Can you please state and spell your name
22 for the record.

1 A Kim Ternipsede, that's
2 T-e-r-n-i-s-p-s-e-d-e.
3 Q And with whom are you employed?
4 A Peoples Gas.
5 Q How long have you been with Peoples Gas?
6 A 33 years.
7 Q What's your current position with Peoples?
8 A I am a senior account representative.
9 Q Okay. As a senior account representative
10 what are some of your responsibilities?
11 A Billing, investigating, basically, those
12 are my primary responsibilities.
13 Q Okay. And how long have you been working
14 in this capacity?
15 A Actually in billing -- approximately 10
16 years in billing; but in collections and
17 investigating for my entire career, so 33 years.
18 Q So in that 33-year career and experience,
19 is it fair to say that you're familiar with the
20 procedures and practices of Peoples in how it bills
21 its customers?
22 A Yes.

1 Q Okay. Are you familiar with the Peoples
2 account for the customer Michael Kreith at
3 10550 South Homan in Chicago, Illinois?

4 A Yes, I am.

5 Q And are you familiar with the bill for gas
6 charges that was issued to Mr. Kreith at that
7 address that's under dispute today?

8 A Yes.

9 Q Okay. Before we get into the bill itself,
10 I'm going to hand you what's being marked as
11 Exhibit D. It's a 14-page summary exhibit
12 (tendering). You can take a quick look at that.

13 Are you familiar with those 14 pages?

14 A Yes, I am.

15 Q And could you briefly explain to us what
16 that exhibit is?

17 A This exhibit represents historical usage
18 for 10550 South Homan from 2000 through 2013.

19 Q Okay. So, in essence -- correct me if I'm
20 wrong -- in essence, it's a summary of the
21 historical gas usage data for the address of 10550
22 South Homan from 2000 to 2013.

1 A Yes.

2 Q Okay. How is this summary -- was it
3 created from actual gas usage data from the system
4 at Peoples?

5 A Yes, it was.

6 Q Okay. And when the gas -- the various
7 reads that Peoples receives to inform how much gas
8 is being used at a property, is that information
9 uploaded -- how is it uploaded into the system --
10 how does Peoples get these reads that are part of
11 the summary for the historical usage?

12 A For each month's billing -- each month's
13 meter reading is, you know, actual reads compiled
14 into the system and we keep that historical data on
15 file.

16 Q So each month it's taken and then it's
17 recorded.

18 A Yes.

19 Q Okay. Is it the regular practice of
20 Peoples to keep this historical usage data?

21 A Yes.

22 Q And is the historical usage data kept in

1 the course of regular business conduct at Peoples
2 Gas?

3 A Yes, it is.

4 MR. PADRON: Okay. I offer into evidence -- I
5 understand that we'll wait till --

6 JUDGE RILEY: Correct.

7 Same ruling.

8 MR. PADRON: Q So for the years 2000 through
9 2010, at this address, is there anything -- from
10 looking at that summary, is there anything abnormal
11 about the amount of therms used by the Complainant?

12 A No, it isn't.

13 Q How about for the years of 2011 through
14 2012, is there anything abnormal about the amount of
15 therms used by the Complainant?

16 A Yes.

17 Q And what is abnormal about it?

18 A There was an inconsistent drop and a lack
19 of usage completely for several months.

20 Q Okay. I'm going to hand you now what is
21 being marked as Exhibit E -- oh, you know what, this
22 is the same exhibit -- I'm not even going to -- I'm

1 going to use the Complainant's exhibit. It's
2 Complainant's Exhibit 3A (tendering).

3 Are you familiar with that document?

4 A Yes.

5 Q Okay. And can you briefly explain to us
6 what that chart is?

7 A This document represents each of the
8 readings that the automated device picked up for
9 each month period beginning March of 2011 up until
10 the actual read from the meter, November 2013.

11 Q Okay. So in this historical gas usage at
12 this address -- I'm sorry. When did you say it
13 began? What are the dates of the reads?

14 A The dates of the readings?

15 Q Yeah.

16 A Starting from March of 2011 -- March 10th
17 of 2011.

18 Q Okay. And the last read, if you would, is?

19 A November 13th of 2013.

20 MR. PADRON: Okay. I would offer this -- well,
21 I don't know if it's already been admitted into
22 evidence as the Complainant's exhibit.

1 JUDGE RILEY: No, nothing has been admitted so
2 far.

3 MR. PADRON: So I would offer it at this point.

4 JUDGE RILEY: All right.

5 MR. PADRON: And then I'm going to pass out
6 what's being marked as Exhibit F (tendering).

7 Q All right. Can you tell us, briefly, what
8 Exhibit F is?

9 A Exhibit F, that represents the 1,740 cubic
10 feet of gas that had been -- had not been billed for
11 the periods, you know, between the last ERT reading
12 and the actual Company's reading.

13 Q Okay. So before we get into the reading,
14 is this the bill that was issued to the Complainant
15 that is at issue today?

16 A Yes, it is.

17 Q Okay. So if you could explain the bill --
18 it's a little hard to read and I apologize -- but in
19 the gray shaded box in the upper right-hand corner,
20 in the middle you'll see a Current Actual, which
21 says "1014" and next to that is 11-13-13. Then
22 under that is a Previous Actual, 9274, 10-9-13. For

1 a difference of 1740.

2 Was that 100 cubic feet?

3 A Yes.

4 Q So could you explain to us where that 1,740
5 cubic feet of gas came from?

6 A Sure.

7 That is actually when the meter
8 reading that was taken November 13 had actually
9 cycled. So when we had a reading on October the 9th
10 of '13 with an index of 9274, the meter actually has
11 to cycle up again to the zero and then start at 1
12 all over again.

13 Q I'm sorry to interrupt you.

14 A Sure.

15 MR. PADRON: It might even be easier to
16 understand what she's talking about by looking at
17 Complainant's Exhibit 3A.

18 Q The reading on 10-9-13 according to this
19 was 9274.

20 So what does the "9274" represent?

21 A That's the reading that was on the
22 automated device.

1 Q Of cubic feet of gas used.

2 A Of cubic feet of gas used.

3 Q And that was on the ERT device.

4 A Yes, it was.

5 Q Okay. Now on 11-13-2013, there's a meter

6 reading of 1014. And if you go three boxes over to

7 CCF -- CCF, what does that stand for?

8 A Cubic feet.

9 Q Cubic feet of gas used?

10 A Of gas used.

11 Q And it says the 1,740.000.

12 How does Peoples get 1,740 from these

13 two meter reads of the 9274 and the 1014 -- and

14 that's where you're talking about the cycling.

15 A Yes, that's where the cycle comes in. So

16 actually you're going into the 10,000. So you would

17 have 10,000, you know, 11014 and you subtract the

18 9274, which gives you the 1,740.

19 Q So, in other words, when the ERT is -- it's

20 got the 9274, each time there's gas passing through,

21 they're assuming there's nothing interfering with

22 the ERT's ability to read the gas going through,

1 that number will go up to 9,999 and then it will go
2 back to four zeros.

3 A Yes.

4 Q Okay. And then it will --

5 A And then it increases from the zeros.

6 Q Fair enough.

7 So that's how you got the 1740.

8 Can you explain how that 1740 then was
9 used to generate the bill that is Exhibit F?

10 A Once the service technician enters the
11 reading, the billing process is automatic and it
12 picks up that there was the 1740 cubic feet and it
13 billed the account based on the last reading, which
14 was the 9274, and sent out a bill for what the
15 amount associated with those cubic feet of gas would
16 be.

17 Q And just to interrupt you -- I'm sorry to
18 interrupt you, but I just want to make sure I got
19 this.

20 With the read that was on 11-13-13,
21 we've already established that that was an actual
22 read from the meter, that's correct?

1 A Yes.

2 Q I'm sorry.

3 From the index.

4 A Yes.

5 Q Okay. Just to back up, the read on

6 11-13-13 was from the index, an actual read that was

7 taken when the meter was removed.

8 The read on 10-9-13, that was an ERT

9 reading, correct?

10 A Yes, it was.

11 Q Okay. So that 1740, that's essentially

12 1,740 cubic feet of gas that was used that was not

13 paid for by the Complainant.

14 A Correct.

15 Q So to get -- you were getting back to this

16 bill.

17 So the 1740 is gas we know was used

18 and we know it wasn't billed, so how did you

19 generate this -- I'm sorry. I'm sorry to jump

20 around, but real quick.

21 During this time from 2011, 2012,

22 2013, was a bill being issued monthly to Mr. Kreith?

1 A Yes.

2 Q And was he paying that bill -- those bills?

3 A Yes.

4 Q Okay. So then how did you generate the

5 bill that is Exhibit F?

6 A This bill was generated strictly on the

7 usage that was obtained -- the actual usage that was

8 obtained on November 13th, with the difference being

9 the ERT reading from the prior month.

10 Q So that Exhibit F, that bill does not -- it

11 doesn't double bill, if you will -- or it doesn't

12 charge Mr. Kreith for any other services or anything

13 that he had previously paid in the months prior.

14 A No, it does not.

15 Q Okay. Was the bill made as part of the

16 regular business practice of Peoples Gas?

17 A Yes.

18 Q And was it kept in the regular course of

19 business at Peoples Gas?

20 A Yes.

21 MR. PADRON: All right. I'll offer it into

22 evidence.

1 JUDGE RILEY: All right. Thank you.

2 Mr. Kreith, do you have any

3 cross-examination?

4 MR. KREITH: Yes, I do.

5 (Whereupon, a short

6 recess was taken.)

7 JUDGE RILEY: Let's go back on the record.

8 We have moved this hearing to a

9 different hearing room insofar as we no longer

10 needed the video equipment.

11 And, Mr. Padron, you were in the

12 middle of direct examination.

13 MR. PADRON: I was, Judge. I have one last

14 exhibit that I would like to have the witness

15 testifying on.

16 Q I'm handing you what has been marked as

17 Exhibit G (tendering).

18 And could you tell us what that

19 Exhibit G is?

20 A Okay. Exhibit G was a bill that was

21 created to show -- to give a -- based on the

22 historical data we had -- based on the historical

1 data, what usage would have been from November
2 of 2000 -- November 14th of 2012 to November 13th of
3 2013.

4 Q Okay. Essentially then Exhibit G goes back
5 a year from the point of November 13th, 2013, to
6 estimate how much gas was not charged to the
7 Complainant for that one-year period of time where
8 it appears the ERT device was not giving proper
9 reads, is that correct?

10 A Yes.

11 Q And the total for that bill is how much?

12 A \$856.81.

13 Q Okay. And does that accurately represent
14 the amount that he would owe for unbilled gas usage
15 for that one-year period?

16 A Yes.

17 Q And does that -- similar to Exhibit F, I'm
18 assuming that you created that bill taking into
19 account the charges that Mr. Kreith had previously
20 paid. So, in other words, that Exhibit G, the
21 charge of the 856.81 is solely for the unused gas
22 for that year.

1 A Yes.

2 MR. PADRON: Okay. Nothing further.

3 JUDGE RILEY: Thank you.

4 Is Exhibit G hypothetical or --

5 MR. PADRON: Yes.

6 JUDGE RILEY: -- actual?

7 THE WITNESS: Yes, that is an estimated amount.

8 MR. PADRON: No, but I think what the Judge is

9 trying to get at, has that bill been issued to the

10 Complainant?

11 THE WITNESS: No.

12 MR. PADRON: I asked you to create that bill to

13 show what a year's worth of gas would be for that

14 time period.

15 THE WITNESS: Yes.

16 JUDGE RILEY: I see. And then the operative

17 words are "what it would have been."

18 MR. PADRON: Correct.

19 THE WITNESS: Right.

20 JUDGE RILEY: I see.

21 But Exhibit F is an actual bill.

22 THE WITNESS: Yes, Exhibit F is an actual bill,

1 correct.

2 JUDGE RILEY: Okay. Mr. Kreith, questions for
3 the witness?

4 MR. KREITH: Yes.

5 CROSS-EXAMINATION

6 BY

7 MR. KREITH:

8 Q According to Exhibit F, in the gray area --

9 A Okay.

10 Q -- we have a current reading of 1014, and
11 you said that was a physical reading.

12 A Yes.

13 Q And then the next line there, it says
14 "Previous Actual" and it says "9274," but that's not
15 a physical reading, that's from the ERT.

16 A Yes.

17 Q So if we go to Exhibit No. 2 that I
18 submitted, and I've got a highlight on 6-14- --

19 MR. PADRON: One second.

20 Here you go (tendering).

21 MR. KREITH: Q So Exhibit 2, on 6-14-2012, we
22 have an actual physical reading of 9843.

1 A Yes.

2 Q So how come we didn't use those two
3 physical readings to actually get what was short?

4 A That actual read was taken when that meter
5 was moved outside.

6 Q Correct.

7 A Yeah. And we didn't use that reading. I,
8 you know, really don't have a --

9 JUDGE RILEY: And when you say "that reading,"
10 which --

11 THE WITNESS: The 9843.

12 MR. KREITH: Q But that's actually comparing a
13 physical reading to a physical reading.

14 A Yes.

15 Q And not to the ERT.

16 A Right.

17 Your Exhibit 3A, during that same
18 period of time, the ERT had a different reading on
19 it.

20 Q Okay. And then Exhibit G that you
21 submitted, that's just historical data, estimated.

22 If somebody wasn't using their gas

1 that year, then that would be completely -- you
2 couldn't estimate, right?

3 A No, we could still estimate because we have
4 12, 13 years of historical data.

5 Q Okay. So you would just use --

6 A Yeah, we would still use the historical
7 data.

8 Q But if somebody shut off their gas, they
9 would have no gas usage.

10 A Right.

11 MR. KREITH: Okay. I have no further questions,
12 your Honor.

13 JUDGE RILEY: Any redirect?

14 MR. PADRON: Just real quick.

15 REDIRECT EXAMINATION

16 BY

17 MR. PADRON:

18 Q From Complainant's Exhibit 3A, the 1740
19 cubic feet of gas that we talked about, is that
20 amount of gas what we know for sure was not charged
21 to the Complainant for the entire time that there
22 were issues with the ERT readings?

1 A Yes.

2 MR. PADRON: Nothing further.

3 JUDGE RILEY: Recross?

4 MR. KREITH: No.

5 JUDGE RILEY: All right. Thank you very much.

6 THE WITNESS: Thank you.

7 (Witness excused.)

8 JUDGE RILEY: And, Mr. Padron, does that

9 complete your case in chief?

10 MR. PADRON: It does.

11 JUDGE RILEY: Mr. Kreith, I want to go back

12 through your exhibits and get some details.

13 What does Exhibit 1 purport to show?

14 What is your purpose in providing that?

15 MR. KREITH: I was just showing that the meter

16 is different. So I don't know why they set up a new

17 account number and send me a new meter number saying

18 that I used 1699 therms -- well, approximately 1700.

19 I don't think it was --

20 JUDGE RILEY: So you're saying the meter number

21 is PGDD020?

22 MR. KREITH: Correct. And that was not my meter

1 in question.

2 JUDGE RILEY: That was not your meter.

3 And with regard to Exhibit 2, did you
4 create this?

5 MR. KREITH: No, this was from Peoples Gas.

6 JUDGE RILEY: And, again, what is the purpose of
7 submitting it?

8 MR. KREITH: I just wanted to show that on
9 6-14-2012, my actual physical reading was 9843. And
10 then above that on 11-8-2012, the ERT is reading
11 8744. There's already a large difference.

12 JUDGE RILEY: So you're saying that five months
13 later it's lower.

14 MR. KREITH: Right. Exactly.

15 So why then -- if they pulled the
16 actual meter -- well, they actually read the meter
17 on 6-14, why wasn't something done then? And we
18 know there's a discrepancy.

19 JUDGE RILEY: What is your understanding of the
20 difference between an actual reading and a van ERT
21 reading?

22 MR. KREITH: All I know it's an electronic

1 signal. The van readings, an electronic signal and
2 the physical reading is the actual -- what the meter
3 is reading.

4 JUDGE RILEY: Again, I'm not clear, when you say
5 what the meter is actually reading. Isn't the van
6 ERT reading is what the meter is actually reading?

7 MR. KREITH: I don't think so, no, not according
8 to these numbers. That's what I don't understand
9 either. They should be the same, I would think.

10 JUDGE RILEY: Why should they be the same five
11 months apart?

12 MR. KREITH: Well, I'm just saying, it's lower.
13 How can I use less gas? If in June it was 9843, how
14 could my gas reading go down?

15 JUDGE RILEY: Right. Okay.

16 And with regard to Exhibit 3A and 3B,
17 were these provided by the Respondent also?

18 MR. KREITH: Yes.

19 JUDGE RILEY: And on 3A you have a particular
20 date and reading highlighted, June 11, 2012, reading
21 of 8615.

22 MR. KREITH: And, once again, that references

1 back to Exhibit 2, on 6-11-2012 it's reading 8615,
2 according to ERT, but the actual reading is 9843,
3 which is already higher than the ERT.

4 JUDGE RILEY: So on 6-11-2012, it reads 8615 and
5 on 6-14-2012, which is three days later, it's 9843.

6 MR. KREITH: Exactly.

7 JUDGE RILEY: All right.

8 And on Exhibit 3B -- excuse me a
9 minute.

10 And on Exhibit 3B you've got another
11 line highlighted. Where it says, Item status
12 active, June 11, 2012, it has the meter number, van,
13 and then a read date, June 11, 2012 -- bill date is
14 2012 and the read date is 2012. And the reading
15 again is 8615.

16 MR. KREITH: Correct. That was just referencing
17 those two together.

18 JUDGE RILEY: I see. So 3A and 3B go --

19 MR. KREITH: Hand in hand.

20 JUDGE RILEY: Right.

21 Is there anything further that you
22 wanted to add?

1 MR. KREITH: I do not.

2 JUDGE RILEY: And, Mr. Padron, any

3 cross-examination?

4 MR. PADRON: No -- I mean, if -- no, I don't,

5 Judge.

6 If I could though, if you would like

7 an explanation as to the meter -- the different

8 meter numbers --

9 JUDGE RILEY: Do you have a witness who could

10 testify to that?

11 MR. PADRON: Yes.

12 JUDGE RILEY: Okay.

13 MR. PADRON: Yes, she could -- she can, if you

14 would like to know why that is.

15 JUDGE RILEY: Okay. Do you want to re-call your

16 witness?

17 Any objection, Mr. Kreith?

18 MR. KREITH: No.

19 JUDGE RILEY: Okay. Proceed.

20 MR. PADRON: Sure.

21

22

1 KIM TERNIPSEDE,
2 re-called as a witness herein, was examined and
3 testified as follows:

4 FURTHER DIRECT EXAMINATION

5 BY

6 MR. PADRON:

7 Q So with Exhibit 1, could you explain to us
8 why there is a different meter number on this bill?

9 A Yes. Originally when the investigation
10 report came in that it was a tampered meter and with
11 tampered meters we bill on a different account. We
12 don't -- we try to disassociate it from their
13 regular actual account.

14 So that is a dummy meter where that
15 usage that was taken with the different read from --
16 and the actual reading, was billed on a separate
17 account to -- you know, to basically just to keep
18 the bill separate -- to make that bill separate from
19 what his regular bills were and his regular usage
20 because he was being billed monthly bills that he
21 was paying.

22 So this bill would represent just the

1 additional usage without additional customer
2 charges, without additional fees for the same
3 periods of time so he wouldn't be double-billed for
4 anything.

5 Q All right. So essentially that number is
6 a -- it's a dummy meter or a dummy number --

7 A Right.

8 Q -- for lack of a better term.

9 JUDGE RILEY: And that's the number PGDD020?

10 THE WITNESS: Yes.

11 JUDGE RILEY: That's a dummy meter. Okay.

12 THE WITNESS: That's a dummy meter.

13 JUDGE RILEY: And these are -- does this meter
14 actually exist -- I mean --

15 THE WITNESS: No.

16 JUDGE RILEY: -- is there an actual tangible
17 device?

18 THE WITNESS: No, it's not. You know, that's
19 why we call it a dummy meter because it's not a
20 physical meter. We didn't have this meter on his
21 premise.

22 JUDGE RILEY: Where does the actual reading come

1 from?

2 THE WITNESS: That's the usage -- the difference
3 between the ERT reading and the meter reading that
4 he took on November 13th -- I'm sorry --

5 MR. PADRON: Q The meter number is the actual
6 meter number?

7 A This final is the actual meter number, the
8 meter that was at his home.

9 Q Okay. And that's the P2228582.

10 A If you say so.

11 JUDGE RILEY: What document were you looking at?

12 MR. PADRON: That's Exhibit F.

13 JUDGE RILEY: Let the record reflect the meter
14 number is P2228582.

15 THE WITNESS: Correct.

16 JUDGE RILEY: Anything further, Mr. Padron?

17 MR. PADRON: No.

18 JUDGE RILEY: Based on that, any further cross?

19 MR. KREITH: No.

20 JUDGE RILEY: All right. Thank you very much.

21 (Witness excused.)

22 JUDGE RILEY: I guess that -- and you said you

1 had no cross, Mr. Kreith?

2 MR. KREITH: No, I don't.

3 JUDGE RILEY: All right.

4 MR. PADRON: I'm going to take him at his word

5 that he wasn't, you know -- the magnet was just out

6 there because. . .

7 JUDGE RILEY: All right. We have completed the

8 parties' testimony.

9 There's a couple of housekeeping

10 matters.

11 Mr. Kreith, you have submitted

12 Exhibits 1, 2, 3A and 3B.

13 Are you moving for the admission of

14 these into evidence?

15 MR. KREITH: Yes, please.

16 JUDGE RILEY: Is there any objection?

17 MR. PADRON: No.

18 JUDGE RILEY: Then Complainant's Exhibits 1, 2,

19 3A and 3B are admitted into evidence.

20

21

22

1 (Whereupon, Complainant's
2 Exhibit Nos. 1, 2, 3A, 3B
3 were admitted into evidence.)

4 JUDGE RILEY: And, Mr. Feeley, you offered
5 Staff's Exhibit 1.0, and you said you're going to
6 file this on the e-Docket system?

7 MR. FEELEY: Yes.

8 JUDGE RILEY: And is there any objection to the
9 admission -- I think you're moving for the
10 admission?

11 MR. FEELEY: Yes.

12 JUDGE RILEY: Any objection to the admission of
13 Staff's Exhibit 1.0?

14 Nothing from the Complainant nor the
15 Respondent?

16 MR. KREITH: No.

17 MR. PADRON: No.

18 JUDGE RILEY: All right. Then Staff's
19 Exhibit 1.0 is admitted into evidence.

20 (Whereupon, Staff's
21 Exhibit 1.0 was admitted
22 into evidence.)

1 JUDGE RILEY: And, Mr. Padron, you have
2 submitted Exhibits A through G, inclusive.

3 MR. PADRON: Correct. And I made a little bit
4 of a writing error there. Exhibit -- I was going to
5 use Complainant's Exhibit 3A as my Exhibit E.

6 JUDGE RILEY: That's what I got down here.

7 MR. PADRON: So it is A through G, but I am
8 using Complainant's Exhibit 3A, which I was going to
9 mark as E. So, technically, I don't have an E.

10 JUDGE RILEY: It's going to serve both sides.

11 MR. PADRON: Okay.

12 JUDGE RILEY: Both sides submitted it for their
13 purposes.

14 MR. PADRON: Yeah.

15 JUDGE RILEY: So we'll still consider it E.

16 MR. PADRON: Great.

17 JUDGE RILEY: Any objection to any or all of his
18 exhibits?

19 MR. KREITH: None.

20 JUDGE RILEY: None.

21 Then Respondent's Exhibit A through E
22 are admitted into evidence.

1 (Whereupon, Respondent's
2 Exhibits A through E were
3 admitted into evidence.)

4 JUDGE RILEY: The procedure at this point then
5 is that once I get the transcript, which is roughly
6 a two-week period from now, I will go through it and
7 use that and the exhibits to prepare a Proposed
8 Order. And that order will be adverse to one party
9 or the other. It will contain a date for the
10 parties to file exceptions to what I've written.
11 And it's usually two weeks for exceptions and one
12 week for replies.

13 And after I receive the exceptions
14 from the parties, I will prepare, what I'll term an
15 order -- it's a Final Order for the Commission. And
16 I will submit it to the Commission as soon as
17 possible after I get the exceptions. At that point
18 it becomes the Commission's order and they can
19 either accept it, reject it, send it back -- there
20 are a number of things they can do with it.

21 But that's what I want to say, is the
22 procedure.

1 Now did the parties want to file
2 closing briefs?

3 MR. KREITH: I do not.

4 MR. PADRON: I think we would like to -- I mean,
5 unless we can just go on the record and have closing
6 argument, but I would just -- in case there's any
7 concern or question, I would just like to tie it all
8 together if it's not obvious enough as to what's
9 going on.

10 JUDGE RILEY: That would be fine with me.

11 Do you have any objection to him --

12 MR. KREITH: No.

13 JUDGE RILEY: -- filing a closing brief?

14 You don't want to file one,
15 Mr. Kreith?

16 MR. KREITH: No.

17 JUDGE RILEY: All right. How long do you think
18 it will take you to put one together?

19 MR. PADRON: Two weeks.

20 JUDGE RILEY: That should take us pretty close
21 to the time the transcript would be available.

22 MR. PADRON: Great.

1 JUDGE RILEY: All right. Did you want to make
2 any closing -- I'm sorry.

3 MR. FEELEY: I was wondering if he needed the
4 transcript for his brief.

5 JUDGE RILEY: My mistake.

6 MR. PADRON: Yeah. You know, it probably --
7 yeah, I will need one. Yes.

8 JUDGE RILEY: So it would be two weeks after the
9 transcript?

10 MR. PADRON: Please.

11 JUDGE RILEY: All right. And, Mr. Kreith, did
12 you want to make any closing remarks now?

13 MR. KREITH: No.

14 JUDGE RILEY: Then that's the situation. We
15 have the evidence. Wait for the transcript to post.
16 It will be on the Commission's e-Docket system, so
17 you can access -- public access --

18 MR. KREITH: Yes.

19 JUDGE RILEY: And you'll get a -- roughly,
20 probably a month from now, I'll probably get a
21 closing brief from you, Mr. Padron, is that correct?

22 MR. PADRON: That's correct. I'll file it

1 electronically and I'll give notice to all the
2 parties.

3 JUDGE RILEY: All right. Then having concluded
4 our business, then I will direct the court reporter
5 to mark this matter heard and taken.

6 Thank you very much.

7 MR. PADRON: Thank you.

8 MR. KREITH: Thank you.

9 HEARD AND TAKEN

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